

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL ROBERT STEWART,

Plaintiff,

v.

BERNARD WARNER, DON
HOLBROOK, V. HOLENVINSKI, R.
SHERMAN, B. BRAID,

Defendants.

CASE NO. C15-5243 RBL-KLS

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL

Plaintiff Michael Robert Stewart moves the Court to order Defendants to produce copies of his medical records from 1997 until the present. He states that he is financially unable to obtain the records and his Washington public records request has not yet been answered. Dkt. 18. Defendants oppose the motion because Mr. Stewart never served them with discovery requests, did not confer with counsel for Defendants before he filed his motion, and the documents are available at Mr. Stewart's facility. Dkt. 19, Dkt. 20, Declaration of Candie M. Dibble.

DISCUSSION

While a party may apply to the court for an order compelling discovery "upon reasonable notice to other parties and all persons affected thereby," the motion must also include a

1 certification that the movant has in good faith conferred or attempted to confer with the person or
2 party failing to make the discovery in an effort to secure the information or material without
3 court intervention.” Fed. R. Civ. P. 37(a)(2)(B). In addition, “[a] good faith effort to confer with
4 a party or person not making a disclosure or discovery requires a face-to-face meeting or a
5 telephonic conference.” Local Rule CR 37(a)(1).

6 Here, Mr. Stewart never served Defendants with a request for the production of his
7 medical records, he made no attempt to confer with counsel, and he has direct access at his
8 prison facility to view his current medical record by making a request with the facility Registered
9 Health Information Technician pursuant to DOC Policy 640.020(I)(D)(1), Offender Health
10 Records Management. Dkt. 20, Dibble Declaration, Attachment A.

11 Accordingly, it is **ORDERED**:

12 (1) Plaintiff’s motion to compel (Dkt. 18) is **DENIED**.

13 (2) The Clerk of the Court shall send a copy of this Order to Plaintiff and to counsel
14 for Defendants.

15 Dated this 27th day of August, 2015.

16 

17 Karen L. Strombom
18 United States Magistrate Judge